5839688/2022/TW-LTR-SOW01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR - Sri Desala Narasimharaju, S/o.Venkataraju, Gadelapalm Village, Gokavaram Mandal, East Godavari District - Revision Petition filed under the provisions of A.P.S.A.LT.R.1959 as amended by 1/70 - Land measuring Sy.No.444/1 to an extent of Hec.1.44 areas of Indukuru (V) Devipatnam (M) East Godavari District – Dismissed - Orders - issued.

SOCIAL WELFARE (TW.LTR.2) DEPARTMENT

G.O.Ms.No. 29 **Dated: 04.05.2022**

Read the following:-

1. LTR.No.136/2007, orders issued by the Agency Divisional Officer, Rampachodavaram, East Godavari District, dated. 27.08.2007 on the petition filed by the Special Deputy Tahsildar, Devipatnam Mandal .

2. C.M.A.No.09/2011, orders issued by the Addl. Agent to Govt., Rampachodavaram, East Godavari District, dated. 31.10.2013 on the appeal filed by Sri Desala Narasimharaju, S/o.Venkataraju, Gadelapalm Village, Gokavaram Mandal, East Godavari District.

3. Revision Petition filed by Sri Desala Narasimharaju, S/o.Venkataraju, Gadelapalm Village, Gokavaram Mandal, East Godavari District , dt.24.12.2013.

4. Govt. Memo. No. 14428/LTR-2/2013, dated. 05.02.2014.

5. From the Addl. Agent to Govt., Rampachodavaram, East Godavari District, dated: 10.09.2014.

6. Govt.Lr.No. 15026/75/LTR-2/2018, dated. 02.03.2022.

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O R D E R:

1. In the reference 1st read above, the Special Deputy Tahsildar, Devipatnam Mandal has filed a complaint before the Agency Divisional Officer, Rampachodavaram, East Godavari District, under Section 3 (1) of the APSALTR 1 of 1959 as amended by Regulation 1 of 1970 for restoration of the Petition Scheduled land in favour of Government after ejecting the respondents in East Godavari District.

(P.T.O.)

2. Based on the said petition, the Agency Divisional Officer, Rampachodavaram, East Godavari District has issued dismissal orders vide ADO LTR.No.136/2007, dated: 27.08.2010 in favour of the complaint filed by the Special Deputy Tahsildar, Devipatnam Mandal under section 3 (1) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959, as amended by the Regulation 1 of 1970 for restoration of the Petition Scheduled land measuring Sy.No.444/1 to an extent of Hec.1.44 areas of Indukuru (V) Devipatnam (M) East Godavari District from the non-tribal Respondent i.e. Sri Desala Narasimharaju, S/o.Venkataraju, Gadelapalm Village, Gokavaram Mandal, East Godavari District.

3. Aggrieved by the above orders Sri Desala Narasimharaju, S/o.Venkataraju, Gadelapalm Village, Gokavaram Mandal, East Godavari District has filed an appeal petition before the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District under Rule 8(2) of AP Scheduled Areas Land Transfer Rules 1/1969.

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District being the lower appellate authority in C.M.A.No.09/2011, dated. 31.10.2013 has disallowed the appeal by upholding the orders of the Agency Divisional Officer, Rampachodavaram, East Godavari District issued in ADO LTR.No.136/2007, dated: 27.08.2010 and conformed the right of the Government over the land measuring Hec.1.44 areas in Sy.No. 444/1 of Indukuru (V) Devipatnam (M) East Godavari District.

5. In the reference 3rd read above, Sri Desala Narasimharaju, S/o.Venkataraju, Gadelapalm Village, Gokavaram Mandal, East Godavari District has filed Revision Petition before the Government under the provisions of A.P.S.A.L.T.R., 1959 against the orders passed by the Project Officer, ITDA/Additional Agent to Government, Rampachodavaram, East Godavari District in C.M.A. 09/2011, dated. 31.10.2013 to the land Hec.1.44 areas in Sy.No. 444/1 of Indukuru (V) Devipatnam (M) East Godavari District vide the reference 2nd read above.

6. The Revision Petition filed by Sri Desala Narasimharaju, S/o.Venkataraju, Gadelapalm Village, Gokavaram Mandal, East Godavari District, Government while admitting the same have called for parawise remarks along with connected case records from the Additional Agent to Government, Rampachodavaram, East Godavari District in the reference 4th read above.

7. The Addl. Agent to Govt. (P.O., I.T.D.A.), Rampachodavaram, East Godavari District has furnished the parawise remarks along with connected case records on 10.09.2014 in the reference 5th read above.

8. In the reference 6th read above, both the parties and their councils were called for the hearings. Accordingly, hearings were conducted on 12.03.2022. The Special Deputy Collector, Rampachodavaram and the Council for the petitioner have attended the hearing and upon perusing the records/ evidences/ grounds filed by the Revision Petitioners, the Appellant Authority have come to the conclusion and opined/ observed that:

- During the course of hearing the advocate for petitioner informing the petitioner died and also filed steps petition and same is allowed and the legal representatives brought on record and he also filed written arguments and stated that the petitioner and paying land revenue to the government which itself shows that he had title and possession over the land and there is no violation and prays to set aside the orders of the lower authorities.

- On verification of the grounds in revision petition, the documents and written arguments and Para wise remarks as well as the other documents and material available on the record it is noticed that lower authority observed that the revision petitioner failed to produce any document in support of his claim and further it is noticed that the scheduled land is classified as assessed waste (Banjaru) and belongs to government situated in scheduled area as such non-tribals are not entitled for assignment.

- It is observed apart from the above that as seen from the record that the revision petitioner failed to produce any document in support of his case and failed to discharge his burden as per regulations. The concurrent findings of lower authorities need no interference.

- That taking consideration of the above and the material available on the record that it can be concluded that the primary authority and appellant authority passed the orders as per law which does not deserve any interference and accordingly the same is hereby upheld and the revision petition is hereby dismissed.

9. After careful examination of the Revision Petition, Government in exercise of the powers u/s (6) of APSALTR 1/59 as amended by 1/70 do hereby order for ejection of respondents from petition scheduled land and for restoration of the same to the Government for on ward assignment to the eligible tribes.

10. The Collector & District Magistrate, East Godavari District, Kakinada is requested to take necessary action in the matter accordingly and **acknowledge the receipt of the case records, which are returned herewith.**

11. This order shall be published in apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To

(1) The Collector & District Magistrate, East Godavari District, Kakinada, PIN 533001. (w.e)

(2) The Additional Agent to Govt. cum Project Officer, ITDA, Rampachodavaram, East Godavari District. PIN-533288

(3) The Special Deputy Collector, Rampachodavaram, East Godavari District. PIN-533288.

(4) The Tahsildar, Devipatnam Mandal (M), East Godavari District.

(5) Sri Kola Satya Prasad, Advocate,
Near RTC Bus Stand,Rampachodavaram,
East Godavari District – 533288.

(6) Sri Desala Narasimharaju, S/o.Venkataraju,
R/o. Gadelapalm Village,
Gokavaram Mandal,
East Godavari District.

Copy to:

(7) The P.S. to Hon'ble Dy. Chief Minister (TW)
(8) The P.S. to Secretary (TW)
(9) The Director Printing, Stationary (for publication in the AP Gazette)
(10) SF/SC.

//FORWARDED:: BY ORDER//

A. Narasimha Rao

SECTION OFFICER